

1 Jun Dam (*Pro Se*)
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3 San Francisco, CA 94108
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Judge Frederick P. Corbit
Chapter 11

6 **UNITED STATES BANKRUPTCY COURT**
7 **EASTERN DISTRICT OF WASHINGTON**

8 In re:

9 GIGA WATT INC.,

10 Debtor

11 _____
12
13
14 JUN DAM et al, appellants

15 vs.

16 MARK D. WALDRON,
17 Chapter 7 Trustee, appellee
18 _____

BK Case 18-03197-FPC

Case No.: 20-80020-FPC-

**STATEMENT OF ISSUES ON
APPEAL, DESIGNATION OF
RECORD, AND STATEMENT OF
TRANSCRIPTS**

19 Pursuant to Federal Rule of Bankruptcy Procedure 8009(a), appellant hereby submits his
20 Statement of Issues on Appeal, Designation of Record and Statement of Transcripts:
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22
23
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25
26

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STATEMENT OF ISSUES ON APPEAL

The bankruptcy court approved the **ORDER (I) APPROVING THE SALE OF MOSES LAKE EQUIPMENT AND RELATED RELIEF, (II) APPROVING BID PROCEDURES** on October 20th, 2020. The appellant requests the District court to consider:

Whether the bankruptcy court erred in allowing the debtor to sell Moses Lake equipment free and clear of all liens pursuant to 11 U.S.C. § 363(f)(4) when the court had not ruled if the property or leases were in a bona fide dispute rather than a spurious one.

Whether the bankruptcy court erred in allowing the debtor to sell Moses Lake equipment free and clear of all liens pursuant to 11 U.S.C. § 363(f)(5) when the court had not determined if mining machine owners could be compelled to accept a monetary payment in a legal or equitable proceeding.

Whether the bankruptcy court erred in allowing the debtor to sell Moses Lake equipment after appellants and other mining machine owners, some of whom may or may not have been notified of the sale of their property, requested adequate protection under 11 U.S.C. § 363(e) that prohibits sales until providing adequate protection of such interest.

Whether the bankruptcy court erred in determining the Chapter 7 Trustee provided sufficient proof of adequate protection under 11 U.S.C. § 363(p)

DESIGNATION OF RECORD

A. Documents

| No. | Description | Date Filed | ECF No. |
|-----|---|------------|---------|
| 1 | MOTION to Authorize Chapter 11 Trustee to Perform Pursuant to Moses Lake Two-Way Agreement | 04/05/2019 | 260 |
| 2 | RESPONSE signed by Ben Ellison (RE: Motion to Authorize 260) | 05/02/2019 | 289 |
| 3 | MOTION FOR ORDER APPROVING AGREEMENT AND GENERAL RELEASE OF CLAIMS (CARLSON ADVERSARY) | 02/03/2020 | 473 |
| 4 | ORDER Granting Motion to Approve Compromise and Settlement - Carlson | 03/10/2020 | 508 |
| 5 | MOTION for Allowance of Administrative Expenses - Dart | 04/10/2020 | 547 |
| 6 | DECLARATION signed by Scott Glasscock | 04/10/2020 | 548 |
| 7 | CHAPTER 11 Trustee's Motion for Order Approving: (I) Sale of TNT Facility and Trailer Equipment Free and Clear of Liens, Claims and Interests, Subject to Overbidding, Approving Notice Thereof; (II) Assumption and Assignment of Leases and Power Contract and (III) Shortened Notice Thereon | 05/01/2020 | 573 |
| 8 | MEMORANDUM signed by Pamela M. Egan | 05/01/2020 | 574 |
| 9 | NOTICE of Hearing | 05/01/2020 | 575 |
| 10 | DECLARATION in Supp. of Ch. 11 T'ee's Mot. for Order Approving: (i) Sale of TNT Facility, etc. | 05/04/2020 | 576 |
| 11 | SUPPLEMENTAL DECLARATION in Supp. of Ch. 11 T'ee's Mot. for Order Approving: (i) Sale of TNT Facility, etc. | 05/04/2020 | 577 |
| 12 | OBJECTION (RE: MOTION to Sell Property Free and Clear of Liens 573). Filed by Samuel Dart | 05/07/2020 | 592 |

| No. | Description | Date Filed | ECF No. |
|-----|--|------------|---------|
| 13 | DECLARATION of Creditors Committee of WTT Token Holders and Miners (Owners) by Dart | 05/08/2020 | 593 |
| 14 | RESPONSE signed by B. Ellison (RE: MOTION to Sell Property Free and Clear of Liens573) | 05/08/2020 | 594 |
| 15 | REPLY signed by Egan (RE: Objection 592) | 05/12/2020 | 596 |
| 16 | DECLARATION of Mark D. Waldron in Supp. of Ch. 11 T'ee's Reply to WTT Token Comm. Obj. to TNT Sale | 05/12/2020 | 597 |
| 17 | ORDER Approving: (I) Sale of TNT Facility and Trailer Equipment Free and Clear of Liens, Claims and Interests, Subject to Overbidding, Approving Notice Thereof; (II) Assumption and Assignment of Leases and Power Contract and (III) Granting Request For Shortened Notice Thereon (Re: # 573) | 05/19/2020 | 602 |
| 18 | MOTION to Reconsider (related docs 602 Order on Motion to Sell Property Free and Clear) - Dam | 06/05/2020 | 610 |
| 19 | Adversary case 20-80020. COMPLAINT. | 06/05/2020 | 627 |
| 20 | ORDER Denying Motion To Reconsider (Related Doc # 610) | 06/18/2020 | 624 |
| 21 | NOTICE of Appeal and Statement of Election | 06/25/2020 | 626 |
| 22 | AMENDED STATEMENT of Issues, Designation of Record and Statement of Transcripts - TNT Sale | 07/09/2020 | 639 |
| 23 | MOTION to Sell Property Free and Clear of Liens: Equipment; Approving Bid Procedures; Shortening Time to Object | 09/23/2020 | 720 |
| 24 | MEMORANDUM signed by Pamela M. Egan | 09/23/2020 | 721 |
| 25 | DECLARATION in Support of Motion to Sell ML Equipment | 09/23/2020 | 722 |
| 26 | OBJECTION To Motion to Sell Property Free and Clear of Lien | 10/08/2020 | 753 |
| 27 | ORDER Denying Motion to Shorten Time and Scheduling Hearing | 10/13/2020 | 756 |

| No. | Description | Date Filed | ECF No. |
|-----|--|------------|---------|
| 28 | APPLICATION of WTT Token Holders and Miner Owners for Administrative Expenses and for Declaratory Relief | 10/15/2020 | 758 |
| 29 | REQUEST for Judicial Notice in Support of Objection to Motion | 10/15/2020 | 759 |
| 30 | FINDINGS of Fact and Conclusions of Law in Support of Order | 10/20/2020 | 764 |
| 31 | ORDER Approving the Sale of Moses Lake Equipment and Related Relief | 10/20/2020 | 765 |
| 32 | MOTION to Stay Order Pending Appeal | 10/22/2020 | 769 |
| 33 | NOTICE of Appeal and Statement of Election | 10/22/2020 | 770 |
| 34 | REPORT of Sale | 10/23/2020 | 776 |
| 35 | DECLARATIONS in Support of Motion to Stay | 10/23/2020 | 779 |
| 36 | Proof of Claim #119 - K. Reddy | | CR #119 |
| 37 | Proof of Claim #12 - G. Lignos | | CR #12 |
| 38 | Proof of Claim #116 - P. Hernandez | | CR #116 |
| 39 | Proof of Claim #73 - G. Klumov | | CR #73 |
| 40 | Proof of Claim #60 - J. Winslow | | CR #60 |
| 41 | Proof of Claim #333 - J. Rodriguez | | CR #333 |
| 42 | Proof of Claim #96 - J. Scevola | | CR #96 |
| 43 | Proof of Claim #127 - P. Blount | 3/16/2019 | CR #127 |
| 44 | Proof of Claim #207, 208 - F. Scheperjans | | CR #208 |
| 45 | Proof of Claim #42 - A. Blyler | | CR #42 |
| 46 | Proof of Claim #61 - J. Bussey | | CR #61 |
| 47 | Proof of Claim #295 - R. Sutton | | CR #295 |
| 48 | Proof of Claim #37 - K. McCoy | | CR #37 |

| No. | Description | Date Filed | ECF No. |
|-----|-------------------------------------|------------|---------|
| 49 | Proof of Claim #275 - C. Sikesp | | CR #275 |
| 50 | Proof of Claim #296 - M. Weitzel | | CR #296 |
| 51 | Proof of Claim #314 - N. Johnson | | CR #314 |
| 52 | Proof of Claim #56 - B. Johnson | | CR #56 |
| 53 | Proof of Claim #64 - S. Glasscock | | CR #64 |
| 54 | Proof of Claim #248 - L. Lin | | CR #248 |
| 55 | Proof of Claim #267- V. Chouchanian | | CR #267 |
| 56 | Proof of Claim #20 - A. Sharpe | | CR #20 |
| 57 | Proof of Claim #262 - S. Delassus | | CR #262 |
| 58 | Proof of Claim #53 - C. Diaz | | CR #53 |

B. Transcripts

| <u>No.</u> | <u>Description</u> | <u>Date of Hearing</u> | <u>ECF No.</u> |
|------------|---|------------------------|----------------|
| 1 | Hearing - Motion to Approve Sale of TNT and assignment/assumption of lease | 05/13/2020 1:30PM | 598, 599 |
| 2 | Hearing - Motion to Reconsider Sale of TNT & assignment/assumption of lease - Dam | 06/17/2020 2:30PM | 621, 622 |
| 3 | Hearing - Motion to Approve Sale of ML Equipment (continued) | 10/09/2020 10:00AM | 754,755 |
| 4 | Hearing - Motion to Approve Sale of ML Equipment | 10/19/2020 10:00AM | 761, 762 |
| | | | |

STATEMENT OF TRANSCRIPTS

Appellant intends to designate the transcripts of the hearings described in the table above. The Motion to Approve Sale of TNT etc. was heard May 13th, 2020 at 1:30PM, the Motion to Reconsider Sale of TNT etc. was heard June 17th, 2020 at 2:30PM, and the Motion to Approve Sale of Moses Lake Equipment was held on October 9th and October 19th at 10:00AM.

DATED this 28th day of October, 2020



Jun Dam (*Pro Se*)
237 Kearny #9096
San Francisco, CA 94108
Phone: (415) 748-1113
Email: jundam@hotmail.com
Proof of Claim #: 52



Filip Scheperjans (*Pro Se*)
Pellonperäntie 1 B
00830 Helsinki, Finland
Phone: +358-40-7791575
Email: filip@gmx.net
Proof of Claim #: 207, 208
Assets: 6x L3+ + PSU, (6404 WTT)



Krishna Karthik Reddy (*Pro Se*)
1700 Halford Ave
Santa Clara CA 95051
Phone: (510) 363-5032
Email: kay.reddy.3399@gmail.com
Proof of Claim #: 119



Roger Sutton
716 Contessa
Irvine, CA 92620
Phone: (949) 636-4020
Email: rogersutton@gmail.com
Proof of Claim #: 295

pablo hernandez

Pablo Hernandez(Pro Se)
Calle este Res. Mi Refugio
P9 Apto 9A Urb Manzanares Caracas
Phone:+58 4142577872
Email: pablovhg@gmail.com
Proof of Claim #: 116

Jacqueline Bussey

Jacqueline Bussey (Pro Se)
Percheron House, Goudhurst Road
Cranbrook, Kent TN17 2PA
United Kingdom
Email: jackie.bussey@gmail.com
Proof of Claim #61

Niva Johnson

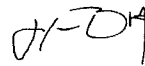
Niva Johnson (Pro Se)
119 Ridgmar Trail
Hendersonville, TN 37075 USA
Phone: +1 615-337-4247
Email: niva_johnson@hotmail.com
Proof of Claim #: 314
Assets: 9 miners, 1500 WTT

Bryant Johnson

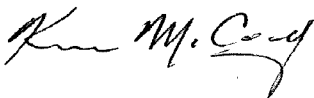
Bryant Johnson (Pro Se)
1360 Whitetail Glen Ct
Hebron, KY 41048 USA
Phone: +1 859-444-8227
Email: bk_johnson@hotmail.com
Proof of Claim #: 56
Assets: 47 Miners, 41,001 WTT



Andrea Sharp (Pro Se)
268 Bush Street #2520
San Francisco, California 94104
Proof of Claim #: 20



Patrick Blount (Pro Se)
848 N Rainbow Blvd #1800
Las Vegas, NV 89107
Phone: 212.380.8019
Email: hagan.blount@gmail.com
Proof of Claim #: 127
Assets: 13x L3+ miners



Ken McCoy (Pro Se)
1401 Woodstock Way #103H
Bellingham, Wa 98226
C: 360-739-4837
Email: ken@northentier.com
Proof of Claim #: 37

Clinton Sikes

Clinton F. Sikes (Pro Se)
4206 Brazos Bend Dr.
Pearland, TX 77584
Phone: (832) 289-6403
Email: csikes@nohome.net
Proof of Claim #: 275

1 *John Scevola*

2 John Scevola (*Pro Se*)
3 8768 SW Iroquois Drive
4 Tualatin, Oregon 97062
5 Phone: 503-334-9144
6 Email: jscevola@gmail.com
7 Proof of Claim #: 96
8 Assets: 78 Miners

9 *Mark Weitzel*

10 Mark Weitzel (*Pro Se*)
11 15460 W 199th St
12 Spring Hill, KS 66083
13 Phone: (913) 490 8534
14 Email: admin@ip2p.io
15 Proof of Claim #: 296
16 Assets: 8x Panda B3, 2x L3+, 4x S9, 4x D3

17 *Scott Glasscock*

18 Scott Glasscock (*Pro Se*)
19 229 Craft Road
20 Brandon, FL 33511
21 Phone: 813-689-2930
22 Email: sg_personal@live.com
23 Proof of Claim #: 64

Adam Schainblatt

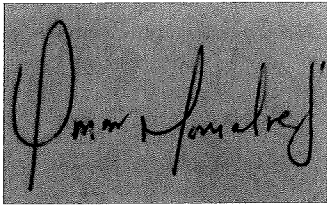
Adam Schainblatt (*Pro Se*)
8809 Walking Stick Trail
Raleigh, NC 27615
Phone: 9194557770
Email: adamschainblatt@gmail.com
Proof of Claim #:
Assets: 2x L3, 1x Panda, 1x S9

John T. Winslow

John T. Winslow (*Pro Se*)
5544 Las Virgenes Rd. #99
Calabasas, CA 91302
Phone: (818) 880-9999
Email: jtwinslow@juno.com
Proof of Claim #: 60
Assets: 59x S9, 81x L3+, 58x D3

Primož Njegač

Primož Njegač
Stojnci 140g
2281 Markovci
Slovenia
Phone: +386 41 611 896
Email: primoz@njegac.si
Proof of Claim #: 203



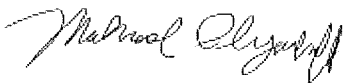
Omar Monsalve
Avenida Cónego Bernardo Chouzal
284 1o. Dto Paredes de Coura
Portugal 4940-520
Phone: +351-916908437
Email: omarjavier2012@gmail.com
Proof of Claim: 1 L3 WTT:901



Cesar Diaz
8137 Malachite Ave Suite G
Rancho Cucamonga, Ca 91730
(909) 262-5358
cesar@eoslab.io



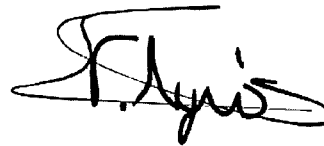
Glen Bradley (Pro Se)
Lerstadvegen 250
6014 Alesund
Norway
Phone: +4792608643
Email: glen1@online.no



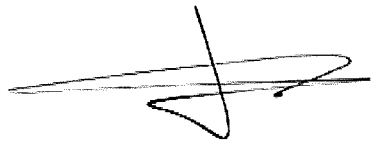
Mike Ilyankoff (Pro Se)



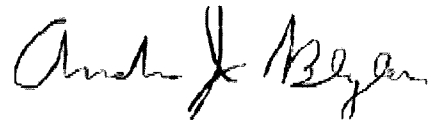
Likuo Lin
1192 Queen Ann Dr
Sunnyvale CA, 94087
Phone: 8105458656
Email: brianlin@gmail.com
Proof of Claim #: 248



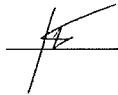
Georgios Lignos (Pro Se)
Kritis 25
Aegaleo, 12243
Attiki, Greece
Phone: (+30) 693 26 16 894
Email: g.dlignos@gmail.com
Proof of Claim #: 12



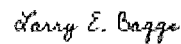
Steve Delassus (*Pro Se*)
685 Rue de la Mairie
01170 Cessy France
Phone: +33 668611493
Email: delassus.steve@gmail.com
Proof of Claim #: 262
Assets: 4x LTC Miners and 1x Dash Miner



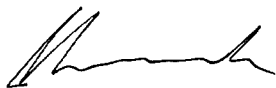
Andrew Blyler (*Pro Se*)
603 W Washington St
Ann Arbor, MI 48103
Phone: (734) 249-9315
Email: andy@blyler.cc
Proof of Claim #: 42
Assets: 1x L3+, 1099 WTT



Gregory Klumov (*Pro Se*)
117639 Balaklavsky Av 93
Moscow, Russia
Phone: +19173985298
Email: gk@rondex.eu
Proof of Claim #: 73



Larry Baggs (*Pro Se*)
1502 Sharon Drive
Duncanville, TX
Phone: c. 972-460-6806
Email: baileren@yahoo.com
Proof of Claim #: 116



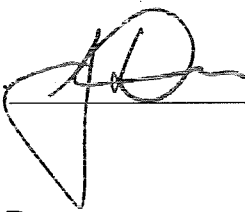
Alex Garnock (*Pro Se*)
13 Buttfield St Coombs ACT Australia
Phone: +61416469080
Email: axiomax01@gmail.com
Proof of Claim #: 106
Assets: 10x S9 Bitcoin Miners 2x Alpha 100 Ethereum Miners 1x Dash Miner

CERTIFICATE OF SERVICE

I certify that a copy of this **STATEMENT OF ISSUES ON APPEAL OF JUN DAM, DESIGNATION OF RECORD, AND STATEMENT OF TRANSCRIPTS** was served by mail on the persons listed below:

Giga Watt Inc. - Chapter 7 Trustee
Mark D. Waldron
6711 Regents Blvd Ste B
Tacoma, WA 98466-5421

Date served on or before: 10/28/2020

Sign your name: 

Print name: Jun Dam